

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, July 19, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, B. Pociask,

P. Plante, B. Ryan

Alternates present: V. Stearns, F. Loxsom (arrived 7:07 p.m.)

Alternates absent: K. Rawn

Staff Present: Gregory J. Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:00 p.m.

#### **Minutes:**

7-6-10-Hall MOVED, Beal seconded, to approve the 7/6/10 minutes as written. MOTION PASSED with all in favor except Stearns who disqualified herself. Hall, Lewis and Goodwin noted that they listened to the recording of the meeting.

7-13-10 Field Trip- Beal MOVED, Holt seconded, to approve the 7/13/10 field trip minutes as written. MOTION PASSED with Beal, Holt, Favretti and Plante in favor and all others disqualified.

#### **Zoning Agent's Report:**

Noted.

#### **Old Business:**

1. **Request to authorize overhead utility lines over conservation easement area dedicated in association with the Hawthorne Park Subdivision, PZC File # 1177**

Padick summarized his 7/15/10 memo and suggested the Commission table discussion to allow adequate time for the Conservation Commission and abutting neighbors to review the proposal. The consensus of the PZC was to table discussion until the August 2<sup>nd</sup> meeting.

#### **New Business:**

3. **8-24 Referral from Regional School District 19, Proposed Athletic Facility Renovation Project**

Bruce Silva, Superintendent, Regional School District 19, presented the proposed athletic facility renovation project. He noted that conduit will be laid for future installation of lighting, but at this time there is no lighting proposed due to the expense. Members questioned Silva regarding: the life span of the synthetic field; if there are any plans to illuminate the tennis courts; re-location plans for existing sports during construction; and the construction timeline.

Holt MOVED, Hall seconded, that the PZC has:

RESOLVED,

(a) That the following project, which has been referred to this Commission by Regional School District Number 19, is approved by the Commission solely for purposes of Section 8-24 of the General Statutes of Connecticut, Revision of 1958, as amended:

Renovations and improvements to various athletic facilities of the District at E.O. Smith High School, contemplated to include renovation of the onsite athletic track, inner game field and

exterior tennis/basketball courts, installation of a synthetic athletic field and installation of light fixture stanchions and related conduits and wiring, and which may include bleacher installation and related improvements.

(b) That this resolution is for approval of conceptual plans only. The project is subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetland and other laws, regulations and permit approvals, and this resolution shall not be a determination that the project is in compliance with any such applicable laws, regulations or permit approvals.

(c) That the Commission report its approval of this project, for purposes of Section 8-24 of the General Statutes, by sending a certified copy of this resolution to Regional School District Number 19.

MOTION PASSED UNANIMOUSLY.

**4. Request to delay construction of overflow parking until Spring 2011, Twin Ponds Farm Stand, 483 Browns Road, PZC File #1292**

Ryan MOVED, Holt seconded, that condition #8 of the PZC's approval of the Twin Ponds Farm Stand at 483 Browns Road be amended to authorize a postponement of the overflow parking area until May 1, 2011. All other approved site improvements shall be completed before the issuance of a Certificate of Compliance. The property owner shall be responsible for monitoring traffic and parking to help prevent parking along Browns Road and all other potential safety problems. MOTION PASSED UNANIMOUSLY.

**Old Business Continued:**

**2. Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33**

**a. Rezoning of Industrial Park Zone and Associated Regulation Revisions**

Item tabled pending staff's continuing research regarding fiscal impact, tax revenue, services provided and student numbers from multi-family housing. The consensus was to schedule discussion at August 2 meeting.

**b. Aquifer and Public Water Supply Protection Regulations and Invasive Plant Species Regulations**

Note: Agenda items b & c have been combined to one motion as follows:

Holt MOVED, Hall seconded, to approve, effective August 15, 2010, revisions to two sets of regulations:

- A. Article V and VI of the Zoning Regulations and Sections 5, 6, 7 and 13 of the Subdivision Regulations to clarify and strengthen existing submission and approval criteria regarding aquifer and public water supply well protection, and
- B. Article V, VI, and X of the Zoning Regulations and Section 8 of the Subdivision Regulations to specify that invasive plant species identified by the CT Department of Environmental Protection shall not be used.

The subject Zoning Regulation revisions, which are attached, were presented as 4/14/10 drafts at a June 7, 2010 Public Hearing.

In approving these Zoning and Subdivision Regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning, Mansfield's Conservation Commission and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and

authority contained in Chapters 124 and 126 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- the mandate to promote health and the general welfare and to facilitate the adequate provision for water, sewerage and other public requirements;
- the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- the authority that reasonable consideration be given for the protection of potential public surface and ground drinking water supplies;

The subject regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The subject regulation revisions promote goals and objectives contained in Article I of the Zoning Regulations and are consistent with the approval considerations contained in Article XIII, Section D of the Zoning Regulations.
3. The revisions are acceptably worded and suitably coordinated with related Zoning and Subdivision provisions. The proposed wording has been found legally acceptable to the Town Attorney
4. The revisions clarify and strengthen existing policies regarding the protection of aquifers and existing and potential public water wells.
5. The revisions clarify and strengthen existing policies regarding invasive plant species. The regulations will now uniformly refer to the CT Department of Environmental Protection listing of invasive plant species.

MOTION PASSED UNANIMOUSLY.

**3. Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32**

**a. Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House**

Beal MOVED, Holt seconded, to approve, effective August 15, 2010, revisions to Article IV, Sections B.7 and B.25 of the Zoning Regulations regarding the definitions of Boarding House and Family. The revisions to the definition of Family, which had not been amended since 1972, are comprehensive and include criteria for five distinct groups that would qualify as a family for zoning occupancy purposes. These revisions update and refine provisions regarding blood relations, incorporate new provisions that authorize "functional families", incorporate new provisions that authorize living arrangements that qualify as "reasonable accommodation" and reduce the number of unrelated individuals who automatically qualify as a family from four (4) to three (3). The revision to the definition of Boarding House is needed to be consistent with the new definition of Family. The subject Zoning Regulation revisions, which are attached, were presented as 4/8/10 drafts at May 3, 2010 and June 7, 2010 Public Hearings. As a minor correction in category 5 of the definition of family, "pursuant" has been changed to "pursuit".

In approving these Zoning Regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney and communications from numerous citizens. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- the mandate to promote health and the general welfare and to facilitate the adequate provision for water, sewerage and other public requirements;
- the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;

The subject regulation revisions have been adopted because they promote these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions promote goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. In particular, the revisions will promote policy goal 4: "To strengthen and encourage a sense of neighborhood and community throughout Mansfield". The revisions also implement a specific action item contained in Mansfield's 2008 "A Unified Vision Strategic Plan" and the revisions are consistent with state and regional land use plans. The proposed reduction in the number of unrelated individuals that would automatically qualify as a family was recommended by Mansfield's Community Quality of Life Committee.
2. The subject regulation revisions promote goals and objectives contained in Article I of the Zoning Regulations and are designed to promote the public's health, welfare and safety. The revisions are consistent with the approval considerations contained in Article XIII, Section D of the Zoning Regulations.
3. The subject regulation revisions have been found to be appropriately worded and legally acceptable to the Town Attorney (see 5/3/10 report from Attorney O'Brien).
4. The subject regulation revisions recognize and provide for significant changes that have occurred in family composition since 1972 and are intended to help address significant neighborhood impacts that have occurred in recent years in many of Mansfield's single family residential neighborhoods. The new regulations are designed to:
  - a. promote cohesiveness and reduce negative neighborhood impacts,
  - b. preserve the character of Mansfield's single family neighborhoods and protect property values,
  - c. enhance housing opportunities for families meeting the new definition and
  - d. reduce the increasing number of single family homes purchased for the purpose of renting to temporary residents, primarily college students.

MOTION PASSED with all in favor except Plante who was opposed.

b. Draft Revisions to the Zoning Regulations Definitions of Political Signs

Holt MOVED, Hall seconded, to approve, effective August 15, 2010, revisions to Article X, Section C.4.h.4 of the Zoning Regulations regarding political signs. The revisions will replace current standards for political signs with new provisions. The subject Zoning Regulation

revisions, which are attached, were presented as 3/10/10 drafts at May 3, 2010 and June 7, 2010 Public Hearings.

In approving these Zoning Regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning, Mansfield's Town Manager and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the mandate to promote health and the general welfare and to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;

The subject regulation revisions have been adopted because they promote these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions are consistent with recommendations contained in local, state and regional land use plans.
2. The subject regulation revisions promote goals and objectives contained in Article I of the Zoning Regulations and are consistent with the approval considerations contained in Article XIII Section D of the Zoning Regulations.
3. The proposed revisions have been found to be appropriately worded and legally acceptable to the Town Attorney.

MOTION PASSED UNANIMOUSLY.

### **New Business Continued:**

#### **3. Report of the Willimantic River Study**

Padick summarized the report noting that the entire report is available in the office or on line at [http://www.facilities.uconn.edu/Willimantic\\_River\\_Study\\_Final\\_Report.pdf](http://www.facilities.uconn.edu/Willimantic_River_Study_Final_Report.pdf)

### **Reports of Officers and Committees:**

Chairman's report: Favretti announced that he represented the Commission at a ceremony on July 12<sup>th</sup> at which time Congressman Courtney announced a federal grant in the amount of \$4.9 million for the Downtown Partnership project. Padick added that he will be prepared at the August 2 meeting to give a report on the status of the Downtown Partnership's projects.

### **Communications and Bills:**

The Town of Coventry's proposed Design Guidelines were noted.

### **Adjournment:**

Chairman Favretti declared the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Katherine Holt, Secretary